

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANK KATZ,

Plaintiff,

v.

FIAT/CHRYSLER AUTOMOBILES, *et al.*,

Defendants.

CIVIL ACTION NO. 3:15-CV-0036
(JUDGE CAPUTO)
(MAGISTRATE JUDGE
MEHALCHICK)

ORDER

Presently before the Court is Magistrate Judge Karoline Mehalchick's Report and Recommendation ("R & R") (Doc. 13) that Plaintiff Frank Katz's Amended Complaint (Doc. 12) be dismissed and the case be closed. Any objections to the R & R were due on May 11, 2015. On May 18, 2015, Plaintiff mailed an Objection to the R & R (Doc. 14), and on May 20, it was received and filed, nine (9) days after the deadline.

Where objections to a magistrate judge's R & R are filed, the Court must conduct a *de novo* review of the contested portions. *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989) (citing 28 U.S.C. § 636(b)(1)(c)). However, this only applies to the extent that a party's objections are both *timely* and specific. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984) (emphasis added). The court should review uncontested portions for clear error or manifest injustice. See, e.g., *Cruz v. Chater*, 990 F. Supp. 375, 376-77 (M.D. Pa. 1998). Because Plaintiff Katz's objections to the R & R (Doc. 14) were not timely, I reviewed the R & R for plain error and manifest injustice, and upon review, I will adopt the R & R.

ACCORDINGLY, this 21st day of May, 2015, upon review of the Report and Recommendation of Magistrate Judge Karoline Mehalchick (Doc. 13) for plain error or manifest injustice, IT IS HEREBY ORDERED that:

- (1) The Report and Recommendation (Doc. 13) is **ADOPTED**.
- (2) The Amended Complaint (Doc. 12) is **DISMISSED**.
- (3) The Clerk of Court is instructed to mark this case as **CLOSED**.


A. Richard Caputo
United States District Judge